



Welcome to AG-ASSIST, a WSDA-sponsored Listserv that is dedicated to chemigation, fertigation, irrigation practices, pesticide use, and related topics.

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Chemigation and Fertigation Technical Assistance Program

Welcome to the December 2006 Issue of AG-ASSIST-WSDA

Timothy Hay Production and Aim EW<sup>®</sup> Herbicide – When Exceptions Don't Fly

A prolonged period of strong market demand and stable prices has roused growers to consider timothy hay production in the Columbia Basin. To manage broadleaf weeds in timothy hay stands, some growers have applied Aim EW<sup>®</sup> (FMC Corporation), alone or in combination with other herbicides. While ground application is clearly authorized in label language, can the same be said for aerial application?

The Aerial application paragraph under the “General Information” section reads, “Aerial applications may be used in some situations” (page 2). From this, one could presume that aerial applications are permissible. Furthermore, Section 2, Subsection (ee) of FIFRA, which lists use exceptions for any registered pesticide, allows for “employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling.” (Similar language appears in [WAC 16-228-1225\[3\]](#). The [WSDA Section 2\[ee\] Use Recommendation Fact Sheet](#) further discusses these exceptions.) While aerial applications seem to be a permitted label use, the last half of the FIFRA exception dictates otherwise.



**GRASS**  
**Such as Forage, Fodder, Hay, Seed and Sod**  
 Aim EW may be applied alone or in combination with other registered pesticides for the control of weeds in rangeland, pastures, hay, grasses grown for hay or silage and grass seed production and grass grown in Conservation Reserve Programs (CRP). Note that CRP usage must be in compliance with Federal, State, and local use guidelines.

**Aim EW Use Rates**  
 Aim may be applied at use rates up to 2.0 fl. ozs. (0.031 pound active ingredient) per broadcast acre. For optimum results, weeds should be treated when small. Applications shall be made with ground equipment delivering a minimum of 10 gallons of finished spray per acre and adjusted to provide optimum coverage of the target weeds.

In an interpretation of a label provision, the entire label must be considered. No section stands alone, often interceded by or precluded by other sections. Such is the case when directive (or mandatory) statements supersede advisory (or guidance) statements. A case in point is a directive statement in the “Aim EW Use Rates” paragraph under the Grass section, which reads: “Applications shall be made with ground equipment. . . .” The word “shall” constitutes a directive, thus, no other application method is allowed.

At times, label provisions can seem perplexing, even mystifying. When questions arise about label provisions – necessitating a label interpretation, you may contact WSDA staff directly or by dialing the WSDA toll-free phone number, 877-301-4555, and then selecting Option No. 2, Questions about Pesticide Laws.



Remember: For a pesticide to be used in a chemigation application, the pesticide label must specifically authorize its use for chemigation – absolutely no exception!

### Pesticide Application Records – When Sharing is Encouraged

It has happened, is happening, and will probably continue to happen – growers signing long-term leases for farmland onto which a pesticide was previously applied that will restrict crop selection or may result in crop injury. Unfortunately, “legacy pesticide use” is known only after symptomology of pesticide-related injury flaunts its presence.



Only after pesticide injury becomes evident is the question characteristically asked, “Is the lesser under any obligation to provide pesticide application records whereby a potential leaser may determine if historic pesticide use will encumber the intended use of the property?” With reference to Chapter 17.21 RCW: Washington Pesticide Application Act or Chapter 16-228 WAC: General Pesticide Rules, the answer is “No.” Indeed, a landowner is under no obligation to make available pesticide application records or to notify a purchaser or lessee/tenant about pesticide applications that could potentially damage subsequent crops or otherwise affect crop management decisions.



Although pesticide application records “shall be maintained and preserved . . . for no less than seven years from the date of application. . . .” ([RCW 17.21.100\[3\]](#)) by the applicator of record, no mandate exists in Washington State pesticide law or rule that requires the holder to surrender the application records upon land ownership transfer or to make available these records for inspection by a tenant or lessee.

Additionally, the grower, if the applicator of record, must preserve pesticide application records for the seven-year period, even if the

grower retires from farming, transfers ownership or control of the property, or sells the property to which such records correspond.

Rather than rely on providence, growers are evermore requiring at least three years of pesticide application records on the property in question as a precondition to signing a lease. Furthermore, prior to purchasing property, the purchaser should request that the pesticide application records for the past seven years be surrendered as a condition of the sale.



### **Commercial Pest Control Consultants License – When it is Needed . . . and Not**

During the past few weeks, you should have received your license recertification credit report and a license renewal form. In that time, many fieldmen have asked, “What is the advantage of a commercial consultant license when I also have a commercial applicator or commercial operator license.” Well . . . there isn’t one.

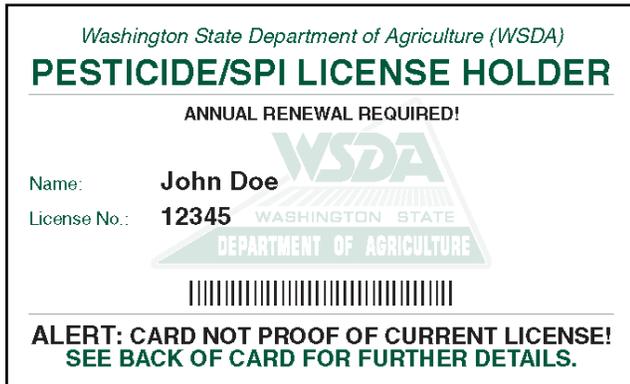
The commercial pest control consultant license is appropriate in two circumstances: First, technical advice is offered or recommendations are made to users of non-home and garden pesticides. Second, pesticides are offered for sale or sold at a location other than the dealer outlet at which the individual is employed. In the latter case, a Master Business License (issued by the Department of Licensing’s Master License Service) with a pesticide dealer addendum are required, as is a WSDA-issued dealer manager license. (The WSDA publication [Registering Your Business](#) includes information about filing a Master Business Application.)

A commercial pest control consultant cannot commercially apply any pesticide nor can they supervise the use of a restricted use pesticide, functions that characterize commercial applicator and commercial operator license types. Conversely, a licensed and employed commercial applicator or commercial operator may perform the function of a commercial pest control consultant, even though they are not licensed as such. So, what is the advantage?

For more information, please contact WSDA Licensing staff by calling the toll-free number (877-301-4555) or by e-mailing [license@agr.wa.gov](mailto:license@agr.wa.gov).

## From Paper to Plastic – A Transformation in Your WSDA Pesticide License Card

Beginning with the 2007 renewal period, you will no longer receive a paper card as your pesticide license; instead a plastic card will be issued that will identify you as a license holder. WSDA will begin distributing the new cards in early January to qualifying licensees who renew or update their pesticide license. The plastic cards will only be issued once. Consequently, cards will no longer be issued with a license renewal or with a change in license status. A fee may be charged for a replacement card.



The plastic card will not reference your license type(s), category(ies), or expiration date. However, your current license status or that of other pesticide license holders can be accessed from the WSDA Licensing webpage (<http://agr.wa.gov/PestLicense>), which will be operational by mid-January 2007.

WSDA will continue to mail an annual renewal notice and recertification report to qualifying licensees. On the renewal notice and on any application that you fill out to add a license or a category, you may choose to receive notification of your updated status either by e-mail or by a mailed printout. From the WSDA Licensing webpage, you will be able to view your license status and recertification credits electronically.

Questions regarding changes to the licensing process should be directed to WSDA Licensing staff at [licensechanges@agr.wa.gov](mailto:licensechanges@agr.wa.gov), or by calling 800-606-9641. Routine questions can continue to be directed to the WSDA toll-free phone number, 877-301-4555, or to [license@agr.wa.gov](mailto:license@agr.wa.gov). Additional information about these changes is also available on the [WSDA Licensing and Education](#) webpage.

The next time that you renew your pesticide license, a plastic card resembling this one will be sent to you. Paper cards will no longer be issued.

**Notice:** This card verifies that the holder **MAY** be certified by WSDA for one or more pesticide or structural pest inspector activities.

To determine current status, including licenses and categories held, go to the WSDA website at:

**<http://agr.wa.gov/PestLicense>**

or call 1-877-301-4555.

Request picture ID to verify identity.

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CARDHOLDER SIGNATURE \_\_\_\_\_

AGR FORM 640-4211 (R/12/06)

Be sure to sign your card. The website appearing on the card will be operational by mid January 2007.

Archival issues along with supplemental reference materials are available in an Adobe Reader (\*.pdf) format at <<http://agr.wa.gov/PestFert/ChemFert/agassistwsda/default.htm>>.

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